

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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PATRICIA LOUISE ANTHONY and
WILLIAM MICHAEL ANTHONY,

Plaintiffs,

v.

TIMOTHY MAYOPOULOS, et al.,

Defendants.

Case No. 3:13-cv-00147-MMD-WGC

ORDER

On March 22, 2013, Plaintiffs filed a "Declaration of Wrongs." (See dkt. no. 2.) The Court issued an order on April 8, 2013, informing Plaintiffs that the filing fee for proceeding in federal court had not been filed. (See dkt. no. 8.) The Court noted that Plaintiffs may proceed with their filings if they pay the appropriate filing fee or submit an Application to Proceed *in forma pauperis*. The Court provided Plaintiffs with twenty (20) days to comply.

As of May 3, 2013, Plaintiffs have not filed the Application, nor have they paid the appropriate filing fee. Instead, Plaintiffs filed a "Writ of Error and Corrections" refusing to comply with the Court's April 8 Order. (See dkt. no. 11.) Plaintiffs mischaracterize the filing fee requirement as an imposition of a debt upon Plaintiffs by the Court. Contrary to Plaintiffs' statements, federal courts have routinely held that "reasonable costs may be imposed on persons who want to sue." *Lumbert v. Illinois Dep't of Corrections*, 827 F.2d 257, 259 (7th Cir.1987). For those individuals who cannot pay the reasonable court costs associated with bringing a suit, the *in forma pauperis* mechanism exists to waive

1 filing fees should a litigant not have the means to pay for their costs of bringing litigation.
2 Proceeding *in forma pauperis* simply means that a plaintiff is allowed to bring a suit
3 without paying a filing fee; it does not alter their rights under the law, or impact the merits
4 of their claims. In the absence of meeting the *in forma pauperis* process, any litigant
5 seeking to bring a suit in federal court must pay a filing fee.

6 Accordingly, Plaintiffs are required either to pay their filing fee or to submit their *in*
7 *forma pauperis* application for review. As they have failed to do either, they will be
8 required to show cause as to why this case should not be dismissed.

9 IT IS THEREFORE ORDERED that Plaintiffs Patricia Louise Anthony and William
10 Michael Anthony have twenty-one (21) days from the entry of this Order to show cause
11 as to why this case should not be dismissed for failing to pay the required filing fee.
12 Failure to respond to this Order will result in a dismissal of their claim with prejudice.

13 DATED THIS 3rd day of May 2013.

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16 MIRANDA M. DU
17 UNITED STATES DISTRICT JUDGE
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